THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5936 of 2006

Dt.24.3.2006

Between:

Padarthi Satyanarayana and another … Petitioners

And

The Commissioner, Guntur Munitipal

Corporation, Guntur.

…Respondent

ORDER:

Petitioners seek writ of mandamus directing the respondent not to demolish partly constructed portion in cellar premises bearing H.No.11-1-23, Ward No.5(0), Block No.8, T.S.No.649, revised to S.No.1089, Asst.No.14110, situated at Station Road, Rajagari Garden, Guntur Corporation, Guntur.

The case of the petitioners is that they have purchased house

bearing No.11-1-23, Ward No.5(0), Block No.8, T.S.No.649 revised to S.No.1089, Asst.No.14110 situated at Station Road, Rajagiri Garden, Guntur Corporation, Guntur by way of registered sale deed dated 18.2.1987. The petitioners have got the plan approved vide B.A.No.2347/98/G3 dt.24.9.1997 and further regularized for new construction by T.P.O Division-I dated 24.9.1999 and Brs.No.2347/98/G3 in respect of a building consisting of cellar, first, second and third floors in the said premises. While so, the respondent without issuing any notice trying to demolish a portion of the cellar of the said building. It is stated that the petitioners have not violated any of the terms and conditions of the approved plan or converted the parking area into shops or any other purposes.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion with regard to the said averment of the petitioners that they have not violated any of the terms and conditions of the sanctioned plan. The only grievance of the petitioners is that without following the due process of law and without issuing any notice on the so-called deviation the respondent is threatening to demolish part of the said building. Accordingly, the respondent is directed to issue notice to the petitioners with reference to any deviations of the construction and thereafter take appropriate action in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

V.ESWARAIAH, J.

24.3.2006

Note: Issue copy by tomorrow.

B.o.

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